

Fiscal Services Division Legislative Services Agency Fiscal Note

HF 2399 - Theft (LSB 5768 HV)

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Fiscal Note Version - New

Description

House File 2399 provides that if property is stolen from different locations by two or more acts within a 72-hour time period and the thefts are attributable to a person or group of persons acting together, these acts may be considered a single theft and the value of the thefts may be the total value of all of the property stolen. Current law provides a graduated system of penalties for theft, ranging from a simple misdemeanor to a Class C felony, depending on the value of the property.

Assumptions

1. According to the Justice Data Warehouse, there were 14,910 convictions for theft during FY 2003. Information concerning how many of these convictions were for theft from retailers is not available.
2. Enhancing existing penalties increases the demand for resources in the criminal justice system. This includes costs in the Judicial Branch, Community-Based Corrections (CBC), the State prison system and indigent defense.
3. State cost for a simple misdemeanor conviction ranges from \$14 to \$300.
4. State cost for a serious misdemeanor conviction ranges from \$100 to \$5,000.
5. State cost for an aggravated misdemeanor conviction ranges from \$1,100 to \$5,000.
6. State cost for a Class D felony conviction ranges from \$2,000 to \$8,000.
7. State cost for a Class C felony conviction ranges from \$3,000 to \$11,000.
8. The cost for a conviction of a serious or aggravated misdemeanor and a Class D or C felony will be incurred over multiple fiscal years as the offender serves time in the correctional system. The costs stated above include the Judicial Branch holding a trial; indigent defense; and supervision while on probation, parole, or prison, if applicable.

Correctional Impact

There is a potential for convictions to be enhanced from a current simple misdemeanor to a serious or aggravated misdemeanor or Class D felony conviction under HF 2399. The potential exists for a current serious misdemeanor conviction to be enhanced to an aggravated misdemeanor or Class D felony conviction. A current aggravated misdemeanor conviction may result in a Class D felony conviction under HF 2399. There is no readily available information to predict the increased number of enhanced convictions under the Bill. The impact on correctional resources may be significant.

Fiscal Impact

The State's increased cost for one conviction for the enhanced penalties is:

- From a simple to a serious misdemeanor conviction, the range is \$86 to \$4,700.
- From a simple to an aggravated misdemeanor conviction, the range is \$1,100 to \$4,700.
- From a simple misdemeanor to a Class D felony conviction, the range is \$2,000 to \$7,700.
- From a serious to an aggravated misdemeanor conviction, the cost is \$1,000.

- From a serious misdemeanor to a Class D felony conviction, the range is \$1,900 to \$3,000.
- From an aggravated misdemeanor to a Class D felony, the range is \$900 to \$3,000.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Judicial Branch
Office of the State Public Defender

Dennis C Prouty

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
